



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/172592

PRELIMINARY RECITALS

Pursuant to a petition filed March 7, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Marathon County Department of Social Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone from Madison, Wisconsin was held on April 19, 2016.

The issue for determination is whether it was correct to discontinue petitioner's BadgerCare Plus MA ["BC+"] effective December 1, 2015.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
Patient Advocate
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

BY: [REDACTED] ESS

Marathon County Department of Social Services
400 E. Thomas Street
Wausau, WI 54403

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]; 30 years old) is a resident of Marathon County, Wisconsin.
2. Petitioner and her family receive BC+.
3. Petitioner's BC+ renewal was due November 30, 2016.
4. On February 5, 2016 the County received a late renewal from petitioner.
5. Petitioner provided all verifications as requested, her case was updated on February 22, 2016, and premiums were calculated.
6. On February 23, 2016 petitioner's representative telephoned the County and the County representative told her that "that a premium of \$30 total for Jan & Feb is due to open BC+." Based on this telephone call petitioner's representative told petitioner that her BC+ premiums were \$15 per month.
7. Petitioner received a letter notice from the County entitled *Notice of Action* needed and dated February 23, 2016; that February 23rd letter notice stated that premiums of \$30.00 were due for each of January 2016 and February 2016 (a total of \$60.00) and that "we will also need March's premium paid before we can open any coverage" but did not specify how much the premium was for March 2016; the due date for the premiums was March 3, 2016.
8. By a money order dated February 26, 2016, which was received by the County on March 3, 2016, petitioner paid \$75.00 total for her BC+ premiums; petitioner understood this to be payment in full as follows: \$30.00 for January 2016; \$30.00 for February 2016; and, \$15.00 for March 2016.
9. The County discontinued petitioner's BC+ retroactive to December 1, 2015 because her BC+ premiums were not paid in full by March 3, 2016.

DISCUSSION

Late renewals for BC+ are allowed. *BadgerCare Plus Eligibility Handbook* ["BC+ Handbook"] 26.1.2. In this case the sole reason that petitioner's BC+ was discontinued was because her BC+ premiums were not paid in full by March 3, 2016. However, petitioner was never informed of the total premiums she owed. She paid \$75.00 believing this to be payment in full. This was due the fact that she was never informed of the total premiums she owed. Under these circumstances it was not correct to discontinue petitioner's BC+ effective December 1, 2015.

CONCLUSIONS OF LAW

For the reasons discussed above, it was not correct to discontinue petitioner's BC+ effective December 1, 2015.

THEREFORE, it is

ORDERED

That this matter be REMANDED to the County, that the County not discontinue petitioner's BC+ effective December 1, 2015, and that, within 10 days of the date of this *Decision*, the County issue all BC+ benefits to which petitioner is otherwise entitled retroactive to December 1, 2015. If petitioner owes BC+ premiums for the time period December 1, 2015 to May 31, 2016 the County may bill her in written

form for those premiums and may discontinue her BC+ if she does not pay the premiums owed within 10 days of receiving that written bill.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 28th day of April, 2016

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 28, 2016.

Marathon County Department of Social Services
Division of Health Care Access and Accountability

██████████@██████████.com